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EXAMINER

WARD, RONALD J

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,331

Applicant(s)

BATES ET AL.

Examiner

Ronald J Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 11-12, 28-29** are rejected under 35 U.S.C. 102(e) as being anticipated by Lauper (US Patent Application Publication Number 2002/0086659).

As to **claims 11-12**, Lauper discloses, in Figure 1, a portable phone (10) comprising:

a position detector that detects geographical position of the portable phone (e.g., GPS receiver); and

a dial mechanism (100) coupled to the position detector for selecting stored text that corresponds to a desired telephone contact (see portion of paragraph 18 appearing on page 2), such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region and dials a second stored telephone number when the portable phone is in a second defined region (see paragraph 30, wherein telephone numbers of mobile users 12 and 13 are inherently stored at some point in the procedure, and wherein their numbers will change depending on the detected location). Also, Lauper discloses that the dial mechanism dials a first stored telephone number and communicates the detected geographical position of the portable phone with the call to the first

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stored telephone number (see paragraph 30 –“The user’s position can ...be communicated to the system 21 as part of the emergency call message”).

As to **claims 28-29**, Lauper discloses a method for making a call on a portable phone (10 in Fig. 1), the method comprising the steps of:

providing a position detector (e.g., GPS receiver) with the portable phone that detects geographical position of the portable phone;

detecting the geographical position of the portable phone using the position detector (see paragraph 30 – “The user’s position can however also be determined by the mobile device 10, for example with a GPS receiver...”);

selecting stored text (100) that corresponds to a desired telephone contact (see portion of paragraph 18 appearing on page 2);

dialing a first stored telephone number corresponding to the desired telephone contact when the portable phone is in a first defined region; and

dialing a second stored telephone number corresponding to the desired telephone contact when the portable phone is in a second defined region (see paragraph 30, wherein telephone numbers of mobile users 12 and 13 are inherently stored at some point in the procedure, and wherein their numbers will change depending on the detected location).

Also, Lauper discloses the steps of dialing a first stored telephone number and communicating the detected geographical position of the portable phone with the call to the first stored telephone number (see paragraph 30 –“The user’s position can ...be communicated to the system 21 as part of the emergency call message”).

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3. **Claims 13-16, 30-33** are rejected under 35 U.S.C. 102(e) as being anticipated by Bijanki et al (USPN 6539223) ("Bijanki").

As to **claims 13-14**, Bijanki discloses a telephone system comprising:

a portable phone (108 in Fig. 2) that includes a position detector that detects geographical position of the portable phone (see col. 2 lines 10-13);

wherein the position detector comprises a global positioning system (GPS) detector (see col. 2 lines 12-13);

a defined geographical region that is assigned a telephone number (see col. 1 line 60 through col. 2 line 3);

a processor coupled to the portable phone that determines from the position detector the geographical position of a portable phone, and that rings the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region (see col. 5 lines 6-15).

As to **claims 15-16**, Bijanki discloses everything as applied to claim 13 above. In addition, Bijanki discloses that the processor does not ring the portable phone, but instead delivers a voice message (e.g., the subscriber's answering service – see col. 5 lines 20-21, or also the alerting message – see col. 5 lines 27-32), when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region (see col. 5 lines 15-32).

As to **claims 30-31**, Bijanki discloses a method for making a call on a portable phone, the method comprising the steps of:

providing a position detector with the portable phone that detects geographical position of the portable phone;

detecting the geographical position of the portable phone using the position detector (see col. 2 lines 10-13);

wherein the position detector comprises a global positioning system (GPS) detector (see col. 2 lines 12-13);

assigning a telephone number to a defined geographical region (see col. 1 line 60 through col. 2 line 3);

ringing the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region (see col. 5 lines 6-15).

As to **claims 32-33**, Bijanki discloses everything as applied to claim 30 above. In addition, Bijanki discloses the step of not ringing the portable phone, but instead delivering a voice message (e.g., the subscriber's answering service – see col. 5 lines 20-21, or also the alerting message – see col. 5 lines 27-32), when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region (see col. 5 lines 15-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2, 6, 17-18, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al (USPN 6389288) ("Kuwahara") in view of Alperovich et al (USPN 6233448) ("Alperovich").

As to **claims 1-2**, Kuwahara discloses, in Figure 1, a portable phone comprising:
a position detector (1) that receives geographical position of the portable phone; and
a processor (3) coupled to the position detector that determines whether or not to ring the portable phone based on the detected geographical position of the portable phone when a call is received by the portable phone (see col. 5 lines 1-5).

However, Kuwahara fails to explicitly recite a position detector that detects geographical position.

In an analogous art, Alperovich discloses a portable phone comprising a position detector that detects geographical position and comprises a global positioning system (GPS) detector (see col. 3 lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuwahara's portable phone to include a position detector that detects geographical position and comprises a global positioning system (GPS) detector, as taught by Alperovich, for the purpose of improving location detection accuracy to "within about ± 10 feet."

As to **claim 6**, the combination system of Kuwahara and Alperovich discloses everything as applied to claim 1 above. In addition, Kuwahara discloses that the processor does not ring the portable phone if the portable phone is in a predefined region (see Figure 13 entries for zones C5 and B10, for example).

As to **claims 17-18**, Kuwahara discloses a method for controlling the operation of a portable phone, the method comprising the steps of:

- (A) providing a position detector (1 in Fig. 1) with the portable phone that receives geographical position of the portable phone;
- (B) receiving the geographical position of the portable phone using the position detector;
- (C) determining whether or not to ring the portable phone based on the received geographical position of the portable phone when a call is received by the portable phone (see col. 5 lines 1-5).

However, Kuwahara fails to explicitly recite that the position detector detects geographical position.

In an analogous art, Alperovich discloses a portable phone comprising a position detector that detects geographical position and comprises a global positioning system (GPS) detector (see col. 3 lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuwahara's method to include detecting geographical position with the position detector, wherein the position detector comprises a global positioning system (GPS) detector, as taught by Alperovich, for the purpose of improving location detection accuracy to "within about ± 10 feet."

As to **claim 22**, the combination system of Kuwahara and Alperovich discloses everything as applied to claim 17 above. In addition, Kuwahara discloses that step (C) does not ring the portable phone if the portable phone is in a predefined region (see Figure 13 entries for zones C5 and B10, for example).

6. **Claims 3-5, 7-8, 19-21, 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Kuwahara and Alperovich as applied to claims 1 and 17 above, and further in view of Finke-Anlauff (USPN 5479476).

As to **claims 3-4, 7-8**, Kuwahara fails to explicitly recite that the processor further determines characteristics of a ring signal. Kuwahara also fails to explicitly recite that the processor rings the portable phone with increased volume or a different ring tone if the portable phone is in a predefined region.

In an analogous art, Finke-Anlauff discloses a portable phone comprising a processor (32 in Fig. 2) that determines whether or not to ring the portable phone based on the geographical position of the portable phone when a call is received by the portable phone (see col. 4 lines 50-58). Finke-Anlauff also discloses, in Figure 3, that the processor further determines characteristics of a ring signal based on the geographical position of the portable phone when the processor determines to ring the portable phone, wherein the characteristics of the ring signal include volume, type, and tone of the ring signal, and wherein the processor rings the portable phone with increased volume (e.g., see row labeled sound volume) or with a different ring tone (e.g., see row labeled ringing tone) if the portable phone is in a predefined region (see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kuwahara and Alperovich to include the determination of ring signal characteristics, as taught by Finke-Anlauff, for the purpose of providing the user with a wide range of adjustments that can quickly be changed (see col. 2 lines 1-5).

As to **claim 5**, the combination system of Kuwahara, Alperovich and Finke-Anlauff disclose everything as applied to claim 4 above. In addition, Kuwahara discloses that the type of the ring signal includes an audible ring and a vibration ring (see Figure 13).

As to **claims 19-20, 23-24**, Kuwahara fails to explicitly recite the step of determining characteristics of a ring signal. Kuwahara also fails to explicitly recite that step (C) rings the portable phone with increased volume or a different ring tone if the portable phone is in a predefined region.

In an analogous art, Finke-Anlauff discloses a method comprising the step of determining whether or not to ring a portable phone based on the geographical position of the portable phone when a call is received by the portable phone (see col. 4 lines 50-58). Finke-Anlauff also discloses, in Figure 3, the step of determining characteristics of a ring signal based on the geographical position of the portable phone, wherein the characteristics of the ring signal include volume, type, and tone of the ring signal and wherein the portable phone rings with increased volume (e.g., see row labeled sound volume) or with a different ring tone (e.g., see row labeled ringing tone) if the portable phone is in a predefined region (see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kuwahara and Alperovich to include the step of determining ring signal characteristics, as taught by Finke-Anlauff, for the purpose of providing the user with a wide range of adjustments that can quickly be changed (see col. 2 lines 1-5).

As to **claim 21**, the combination system of Kuwahara, Alperovich and Finke-Anlauff disclose everything as applied to claim 20 above. In addition, Kuwahara discloses that the type of the ring signal includes an audible ring and a vibration ring (see Figure 13).

7. **Claims 9-10, 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Kuwahara and Alperovich as applied to claims 1 and 17 above, and further in view of Lauper (US Patent Application Publication Number 2002/0086659).

As to **claims 9-10**, Kuwahara fails to explicitly recite that the portable phone further comprises a dial mechanism for selecting stored text that corresponds to a desired telephone contact, such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region and dials a second stored telephone number when the portable phone is in a second defined region. Kuwahara also fails to explicitly recite a dial mechanism that communicates the detected geographical position of the portable phone with the call to the first stored telephone number.

In an analogous art, Lauper discloses, in Figure 1, a portable phone that comprises a dial mechanism (100) for selecting stored text that corresponds to a desired telephone contact (see portion of paragraph 18 appearing on page 2), such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region and dials a second stored telephone number when the portable phone is in a second defined region (see paragraph 30, wherein telephone numbers of mobile users 12 and 13 are inherently stored at some point in the procedure, and wherein their numbers will change depending on the detected location). Also, Lauper discloses that the dial mechanism dials a first stored telephone number and communicates the detected geographical position of the portable phone with the call to the first stored telephone number (see paragraph 30 –“The user’s position can ...be communicated to the system 21 as part of the emergency call message”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kuwahara and Alperovich to include the mechanism described by Lauper, for the purpose of aiding a moving mobile user who has been abducted (see paragraph 38).

As to **claims 25-26**, Kuwahara fails to explicitly recite that the method further comprises the steps of selecting stored text that corresponds to a desired telephone contact; dialing a first stored telephone number corresponding to the desired telephone contact when the portable phone is in a first defined region and dialing a second stored telephone number corresponding to the desired telephone contact when the portable phone is in a second defined region. Kuwahara also fails to explicitly recite communicating the detected geographical position of the portable phone with the call to the first stored telephone number.

In an analogous art, Lauper discloses a method for controlling the operation of a portable phone that comprises the steps of selecting stored text that corresponds to a desired telephone contact (see portion of paragraph 18 appearing on page 2); dialing a first stored telephone number corresponding to the desired telephone contact when the portable phone is in a first defined region and dialing a second stored telephone number corresponding to the desired telephone contact when the portable phone is in a second defined region (see paragraph 30, wherein telephone numbers of mobile users 12 and 13 are inherently stored at some point in the procedure, and wherein their numbers will change depending on the detected location). Also, Lauper discloses dialing a first stored telephone number and communicating the detected geographical position of the portable phone with the call to the first stored telephone number (see

paragraph 30 –“The user’s position can ...be communicated to the system 21 as part of the emergency call message”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kuwahara and Alperovich to include the additional selecting, dialing and communicating steps described by Lauper, for the purpose of aiding a moving mobile user who has been abducted (see paragraph 38).

8. **Claims 13-15, 30-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich(a) (USPN 5924041) in view of Alperovich(b) (USPN 6233448).

As to **claims 13-14**, Alperovich(a) discloses a telephone system comprising:

a network (145) that includes a position detector that receives geographical position of the portable phone (see col. 5 lines 35-50);

a defined geographical region (e.g., location area) that is assigned a telephone number (see col. 6 lines 48-50 - “...a telephone number can be associated with a given geographical location...”);

a processor (in network 145) coupled to the network that determines from the position detector the geographical position of a portable phone, and that rings the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region (see col. 6 line 43 through col. 7 line 2).

However, Alperovich(a) fails to explicitly recite that the position detector is in the portable phone and coupled to the processor.

In an analogous art, Alperovich(b) discloses a portable phone that includes a position detector that detects geographical position of the portable phone and comprises a global positioning system (GPS) detector (see col. 3 lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alperovich(a) with a position detector in the portable phone, as taught by Alperovich(b), for the purposes of increasing the resolution and accuracy of the position detector to “within about ± 10 feet.”

As to **claim 15**, the combination of Alperovich(a) and Alperovich(b) disclose everything as applied to claim 13 above. In addition Alperovich(a) discloses that the processor does not ring the portable phone when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region (see col. 6 lines 52-65).

As to **claims 30-31**, Alperovich(a) discloses a method for making a call on a portable phone, the method comprising the steps of:

providing a position detector with a network (145) that detects geographical position of the portable phone;

detecting the geographical position of the portable phone using the position detector (see col. 5 lines 35-50);

assigning a telephone number to a defined geographical region (e.g., location area) (see col. 6 lines 48-50 - “...a telephone number can be associated with a given geographical location...”);

ringing the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region (see col. 6 line 43 through col. 7 line 2).

However, Alperovich(a) fails to explicitly recite that the position detector is located with the portable phone.

In an analogous art, Alperovich(b) discloses a portable phone that includes a position detector that detects geographical position of the portable phone and comprises a global positioning system (GPS) detector (see col. 3 lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alperovich(a) with a position detector in the portable phone, as taught by Alperovich(b), for the purposes of increasing the resolution and accuracy of the position detector to "within about ± 10 feet."

As to **claim 32**, the combination of Alperovich(a) and Alperovich(b) disclose everything as applied to claim 30 above. In addition Alperovich(a) discloses the step of not ringing the portable phone when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region (see col. 6 lines 52-65).

9. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Kuwahara and Alperovich as applied to claim 17 above, and further in view of Fitch et al (USPN 6424840).

Kuwahara and Alperovich fail to explicitly recite the step of routing a call using the communicated geographical position of the portable phone to a second telephone that is the closest of a predefined group of telephones in physical proximity to the portable phone.

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In an analogous art, Fitch et al discloses the step of routing a received call using the communicated geographical position of the portable phone to a second telephone that is the closest of a predefined group of telephones in physical proximity to the portable phone (see col. 6 lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kuwahara and Alperovich to include the step of routing a received call to the closest of a predefined group of telephones in physical proximity to the portable phone, as taught by Fitch. One of ordinary skill in the art would have been motivated to make this modification because it would help expedite the service desired (such as pizza delivery, car towing, and such – see col. 6 lines 48-50 of Fitch).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald J. Ward whose telephone number is (703) 305-5616. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached at (703)305-4778.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

RJW
July 21, 2003


ERIKA GARY
PATENT EXAMINER